

Remarks

In view of the foregoing amendments, it is believed that the rejections are moot. These amendments are made without prejudice and solely to obtain quick allowance of clearly allowable subject matter. Applicant respectfully requests reconsideration of the present application in view of these amendments.

Claim 86 is cancelled, claims 87-88 are added. Claims 77-83 are currently being amended. After amending the claims as set forth above, claims 77-88 are now pending in this application.

A Petition to Withdraw Holding of Abandonment was filed for the present case on December 17, 2003 with the Office of Petitions. A notice that the petition was granted was mailed by the PTO on February 11, 2004, and a copy of the notice is attached for the Examiner's convenience.

The Examiner rejected claims 77-86 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,001,884. The Examiner also rejected claims 77-86 under the same doctrine as being unpatentable over claims 1-103 of U.S. Patent No. 6,011,068. It is believed that the presently amended claims render these rejections moot. The present claims recite the presence of a cycloaliphatic ring, which is not an obvious variation of the previously patented compounds. Reconsideration and withdrawal of the rejection is requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date Feb 26, 2004

By Richard San Pietro

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|---------------------------|---------------------|------------------|
| 09/579,564 | 05/26/2000 | Bradford C Van Wageningen | 072827-1002 | 1913 |

7590 02/11/2004

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EXAMINER

JONES, DWAYNE C

| ART UNIT | PAPER NUMBER |
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DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner of Patents and Trademarks

The holding of abandonment mailed Nov. 5, 2003, has been withdrawn.

The ~~copy~~ or original ^{change of address} response filed July 30, 2001, has been made of record in the file. The application will be placed in a pending status and forwarded to the examiner.

Steven R. Patterson
Legal Instrument Examiner
Technology Center 1600/2900
Art Unit 1614



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EXAMINER

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7590 03/19/2003
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DATE MAILED: 03/19/2003

(redated)

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